

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KONINKLIJKE PHILIPS ELECTRONICS
N.V. and U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

OPTICAL EXPERTS MANUFACTURING
INC.; BRILLIANCE AUDIO, INC.; CADMUS
COMMUNICATIONS CORPORATION;
RAYMOND BERNARD ZERRUSEN, an
individual; CLIFFORD STEVEN BOYD, an
individual; and John Does No. 1 through 100,

Defendants and
Counterclaim Plaintiffs.

Civil Action No.08-cv-4071(KMK)

ECF Case

MEMO ENDORSED

**NOTICE OF MOTION AND MOTION TO DISMISS PATENT INFRINGEMENT
CLAIMS AGAINST BRILLIANCE AUDIO, INC.**

PLEASE TAKE NOTICE that that on a date and at a time to be determined by the Court, defendant Brilliance Audio, Inc., through its undersigned counsel, will appear before the Court at the United States District Court for the Southern District of New York, United States Courthouse at 300 Quarropas Street in White Plains, New York, before the Honorable Kenneth M. Karas, United States District Judge, for an Order pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure granting its motion to dismiss the Second Count of the First Amended Complaint and granting such other and further relief as the Court may deem just and proper.

This motion is based upon the accompanying Joint Memorandum of Law in support of this Motion and the exhibit attached thereto and all the pleadings to date.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Respectfully submitted,

COOPER & DUNHAM LLP

Dated: June 26, 2008

/s/ Ivan S. Kavrukov

Ivan Kavrukov (IK 4452)

William E. Pelton (WP 1850)

Tonia A. Sayour (TS 7208)

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*This Motion is denied
without prejudice for
failure to comply with
the Court's Individual
Practices. The Clerk of
Court is respectfully
directed to terminate
this Motion (DKt. No. 15).*

SO ORDERED


KENNETH M. KARAS U.S.D.J.
6/30/08